

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 17.09.2025

Order pronounced on : 26.09.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.1899 of 2023

1.Sivakumar
2.Punithavathi

..Petitioners

Vs.

1.Anbazhagan
2.Malarvizhi
3.Chandra
4.Balaji

Poongavanam Ammal (Died)
Veerasami (Died)

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 19.04.2023 passed in E.P.No.94 of 2019 in RCOP.No.9 of 2011 on the file of the Principal District Munsif at Chidambaram.

For Petitioners : Mr.R.Gururaj

For Respondents : Mr.B.Manoharan for RR1 and 2

ORDER

The revision petitioners are the judgment debtors in E.P.No.94 of 2019.

The revision petitioners suffered an order of eviction in RCOP.No.9 of 2011



and E.P.No.94 of 2019 was filed and the executing Court has passed an order on 19.04.2023 for recovering possession of the property from the revision petitioners. The said order is under challenge in the present revision petition.

2.I have heard Mr.R.Gururaj, learned counsel for the revision petitioners and Mr.B.Manoharan, learned counsel for the respondents 1 and 2.

3.The learned counsel for the petitioners would state that the petitioners are respondents 3 and 4 in the execution petition as well as in the rent control proceedings. According to the learned counsel for the revision petitioners, there is no jural relationship as landlord and tenant between the petitioners and the respondents and fraud has been played by the purchasers of the property from the original owner, Liakath Ali Khan and others. He would further contend that the brother of the 1st revision petitioner, Natarajan and the wife of the 2nd revision petitioner had entered into an unregistered usufructuary mortgage with Abdul Rahim and others and the said Natarajan invested Rs.3 lakhs for putting up a construction as well and he has been doing business in the said premises. The father of the 1st revision petitioner, Rajagopal died on 14.01.2010 and within two days, the said Natarajan died on 16.01.2010 and thereafter, the mother Poongavanam Ammal was carrying on business in the said promises.



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4. It is also the contention of the learned counsel for the revision petitioners that Poongavanam Ammal had entered into an agreement of sale on 07.02.2010 to purchase the property. She also claims that there is an agreement of sale for purchasing the property. However, the subject property has been sold to the respondents on 24.08.2009 for a sale consideration of Rs.4,50,000/-.

5. Pointing out to the sale deed, copy of which has been obtained by the petitioners, under the Right to Information Act and referring to the sale deed that was relied upon by the respondents before the Rent Controller, the learned counsel would contend that the photocopy of a pending document which has not even assigned a registered number has been filed by the respondents along with the RCOP and it is not even disclosed as to how they became lawfully entitled to a photocopy of an official record. He would further state that the document was referred under Section 47(A) of the Stamp Act for deficit stamp duty and only much later, the deficit was made up and the document was released. The document which was presented before the Rent Controller did not contain any of the registering authorities endorsements with regard to deficit stamp duty or even the document number assigned for the said Sale Deed. He would therefore state that fraud has been played and the rights of the usufructuary mortgage deed has been snatched away by the respondents.

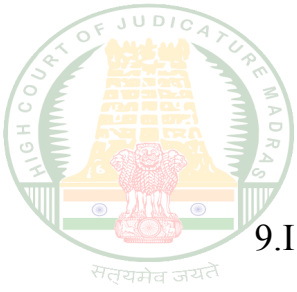


6.The learned counsel for the petitioners would also state that as against the order of eviction, the petitioners have preferred RCA.Nos.3 and 4 of 2019

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7.Per contra, the learned counsel for the respondents would submit that pursuant to the order passed by the Rent Controller, the respondents have filed E.P.No.94 of 2019 and as there was no interim stay granted by the Appellate Authority, the respondents have moved for execution and pressed for orders to be passed, in fact, the respondents were constrained to approach this Court in CRP.No.4064 of 2022 and by order dated 10.01.2023, this Court has directed the execution petition to be expeditiously disposed of as well. This order came to be passed only in the presence of the revision petitioners.

8.It is also brought to my notice by the learned counsel for the respondents that subsequently in view of there being no interim stay in this revision also the respondents have proceeded to take delivery of the tenanted premises. He would therefore nothing survives for consideration in the revision.



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COUNCIL on either side.

9. I have carefully considered the submissions advanced by the learned counsel on either side.

10. Today, even though the respondents may have taken possession of the tenanted premises, it was only pending challenge to the order of eviction passed by the Rent Controller. If at all the revision petitioners ultimately succeed in the Rent Control Appeals, then they would be entitled to restitution. I do not see any necessity to decide this revision, especially when the statutory appeals under Section 23 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, are pending before the Appellate Authority. All the contentions that have been argued in the present revision with regard to the alleged fraud played by the respondents, etc, can always be canvassed before the Appellate Authority. It is needless to state that in the event of the petitioners succeeding in overturning the findings of the Rent Controller, then they would automatically become entitled to restitution of the property. Therefore, considering the above and also in view of the fact that possession has already been taken through Court, I do not see any merit in the present revision petition.

11. In fine, the Civil Revision Petition is dismissed with liberty to the revision petitioners to agitate all their contentions, including the grounds that



have been taken in the present revision petition before the Appellate Authority, namely the Sub-Court, Chidambaram. The Sub-Court, Chidambaram, shall hear

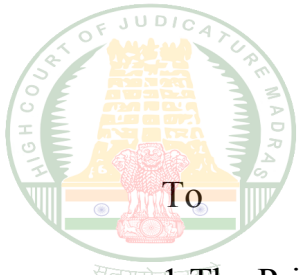
the appeals, after giving full and fair opportunity to both the parties and decide the appeals on merits and accordance with law, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

26.09.2025

Speaking/Non-speaking order

Index : Yes/No

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To

1. The Principal Munsif at Chidambaram.

2. The Sub-Court, Chidambaram.



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P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.1899 of 2023

26.09.2025